

U.S. ENVIRONMENTAL PROTECTION AGENCY

Fiscal Year 2014

Annual Report to Congress
Pursuant to the
Notification and Federal Employee
Antidiscrimination and Retaliation
Act of 2002

TABLE OF CONTENTS

Executive Summary	1
Background	1
Data	2
Analysis of Trends and Practical Knowledge Gained	4
Adjustment to Budget	5
Actions Planned or Taken to Improve Programs.....	6
APPENDIX 1	
No FEAR 2014 Fiscal Year Totals	10
APPENDIX 2	
Anti-Harassment Policy Statement	19
APPENDIX 3	
2013 Equal Employment Opportunity Policy Statement.....	21

I. EXECUTIVE SUMMARY

The U.S. Environmental Protection Agency (EPA or Agency) provides its Annual Report to Congress as required by Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174. As required, this report includes information related to the number of cases in Federal court pending or resolved in fiscal year (FY) 2014 and, in connection with those cases, their disposition; reimbursement(s) to the Judgment Fund; and the number of employees disciplined and the nature of the disciplinary action taken.

During FY 2014, there were a total of twelve (12) cases pending before Federal courts. Of these, two (2) cases were settled during the reporting period. One settlement involved a payment of \$650,000. The other settlement involved a total payment of \$670,000, of which \$170,000 was designated for the payment of attorney's fees. Both settlement payments will be reimbursed to the Judgment Fund.

Final Agency Actions involving a finding of discrimination may be issued on the record or following an Equal Employment Opportunity Commission (EEOC) Administrative Hearing. The No FEAR Act requires Federal agencies to post the total number of final actions involving a finding of discrimination, along with the issues in and bases for such complaints. In 2014, EPA had one (1) finding of discrimination following an EEOC Administrative Hearing.

During FY 2014, Agency employees were required to complete the No Fear training hosted through Skillport. At the end of FY 2014, 99.7% of EPA's employees had completed this training.

EPA continues to realize many improvements in its complaint processing program, and the Agency was able to decrease the investigation timeframe by twenty-three percent (23%). Additionally, EPA experienced a twenty-one percent (21%) decrease in the number of complaints filed between FY 2013 and FY 2014, a five year low for the Agency.

EPA is dedicated to establishing and maintaining a model Civil Rights Program that serves as an example for all Federal agencies. EPA's commitment to this goal is reflected in the subject report which the Agency respectfully submits for review.

II. BACKGROUND

On May 15, 2002, Congress enacted the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," or, as it is more commonly known, the No FEAR Act. One purpose of the Act is to "require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws." Public Law 107-174, Summary. In support of this purpose, Congress found that "agencies cannot be run effectively, if they practice or tolerate discrimination." Public Law 107-174, Title I, General Provisions, section 101(1).

Section 203 of the No FEAR Act requires that each Federal agency submit an annual Report to Congress not later than 180 days after the end of each fiscal year. Agencies must report on the number of Federal court cases pending or resolved in each fiscal year and arising under each of the respective areas of law specified in the Act in which discrimination or retaliation was alleged. In connection with those cases, agencies must report their status or disposition; the amount of money required to be reimbursed to the Judgment Fund; and the number of employees disciplined. Agencies must also report on any policies implemented related to appropriate disciplinary actions against a Federal employee who discriminated against any individual, or committed a prohibited personnel practice; any employees disciplined under such a policy for conduct inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws; and an analysis of the data collected relative to trends, causal analysis, and other information.

The Act imposes additional duties upon Federal agency employers intended to reinvigorate their longstanding obligation to provide a work environment free of discrimination and retaliation. The additional obligations contained in the No FEAR Act can be broken down into five (5) categories:

- A Federal agency must reimburse the Judgment Fund for payments made to employees, former employees, or applicants for Federal employment because of actual or alleged violations of Federal employment discrimination laws, Federal whistleblower protection laws, and retaliation claims arising from the assertion of rights under those laws.
- An agency must provide annual notice to its employees, former employees, and applicants for Federal employment concerning the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.
- At least every two years, an agency must provide training to its employees, including managers, regarding the rights and remedies available under the employment discrimination and whistleblower protection laws.
- Quarterly, an agency must post on its public website summary statistical data pertaining to Equal Employment Opportunity (EEO) complaints filed with the agency.

The President delegated responsibility to the Office of Personnel Management (OPM) for issuance of regulations governing implementation of Title II of the No FEAR Act. OPM published final regulations on the reimbursement provisions of the Act on May 10, 2006. Final regulations to carry out the notification and training requirements of the Act were published on July 20, 2006, and OPM published the final regulations to implement the reporting and best practices provisions of the No FEAR Act on December 28, 2006. The EEOC published its final regulations to implement the posting requirements of Title III of the No FEAR Act on August 2, 2006. The EPA has prepared the subject report based on the provisions of the No FEAR Act in accordance with OPM and EEOC's final regulations.

III. DATA

a. Civil Cases

Section 203(a)(1) of the No FEAR Act requires that agencies include in their Annual Report “the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged.”

Section 724.302 of OPM’s final regulations on reporting and best practices clarifies section 203 (1) of the No FEAR Act, stating that agencies report on the “number of cases in Federal Court [district and appellate] pending or resolved...arising under each of the respective provisions of the Federal Antidiscrimination laws and Whistleblower Protection Laws applicable to them...in which an employee, former Federal employee, or applicant alleged a violation(s) of these laws, separating data by the provision(s) of law involved.”

During FY 2014, there were a total of twelve (12) cases pending before Federal courts. Among these cases, there were eleven (11) claimed violations of Title VII of the Civil Rights Act of 1964, four (4) claimed violations of the Rehabilitation Act of 1973, six (6) claimed violations of the Age Discrimination in Employment Act, and one (1) claimed violation of 5 United States Code 2302, Prohibited Personnel Practices.

Of the twelve (12) cases referenced above, two (2) were settled during the reporting period. One settlement involved a payment of \$650,000. The other settlement involved a total payment of \$670,000, of which \$170,000 was designated for payment of attorney's fees. Both settlement payments will be reimbursed to the Judgment Fund.

Of the remaining ten (10) cases, one (1) involved an affirmance by a U.S. Court of Appeals of a lower court decision, upholding the Agency’s termination of an employee, one (1) is currently pending a decision on a dispositive motion, and the remainder are at the discovery stage in U.S. Federal District Courts.

b. Reimbursement to the Judgment Fund

During FY 2014, the Agency was required to reimburse two (2) settlement payments to the Judgment Fund. As noted, one settlement involved a payment of \$650,000, and the other involved a total payment of \$670,000, of which \$170,000 was designated for the payment of attorney's fees.

c. Disciplinary Actions (5 Code of Federal Regulations (C.F.R.) § 724.302 (a)(3) & (5))

There were no employees disciplined in FY 2014, in connection with any cases described in paragraph (a) above, or for any other conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes prohibited personnel practices.

d. Final Year-End Data Posted Under Section 301(c)(1)(B)

The final year-end data posted pursuant to section 301(c)(1)(B) of the No FEAR Act are included in Appendix 1. The final year-end data indicate that during FY 2014, there was a twenty-one percent (21%) reduction in the number of formal complaints filed compared to FY 2013. In FY 2013, sixty-two (62) formal complaints of discrimination were filed with the Agency. During FY 2014, there were only forty-nine (49) new administrative complaints of discrimination filed by forty-six (46) employees or applicants for employment. Three (3) Agency employees filed more than one (1) complaint during the reporting period.

During FY 2014, EPA's Office of Civil Rights (OCR) decreased the investigation timeframe by twenty-three percent (23%) (318.11 days in FY 2013 to 245.08 days in FY 2014). During FY 2014, EPA had one (1) finding of discrimination following an EEOC Administrative Hearing.. FY 2014 complaint totals can be found in their entirety at Appendix 1 of this report.

e. Policy Description on Disciplinary Actions (5 C.F.R. § 724.302(a)(6))

The FY 2014 Agency EEO policy addresses a variety of topics, including prohibition of discrimination in the workplace, and it includes a reminder to all employees that the Agency will review any finding of discrimination and take disciplinary or corrective action, when appropriate. The EEO policy, as well as information on addressing harassment and reasonable accommodation, was discussed in EPA's mandatory Successful Leaders Program for all new Agency supervisors. The FY 2014 EEO Policy can be found in its entirety at Appendix 3 of this report.

Additionally, EPA Order 3110.6B, *Adverse Actions*, EPA Order 3120.1B, *Conduct and Discipline*, EPA Order 3120.2, *Conduct and Discipline, Senior Executive Service*, and applicable collective bargaining agreements, provide guidance to managers about the type of disciplinary actions that may be taken, when appropriate, in response to a finding of discriminatory behavior or conduct. These actions may range from informal corrective actions such as a written warning to more formal disciplinary actions such as a suspension without pay or removal.

EPA has an ongoing commitment to continue to include clear expectations about EEO in performance standards for managers. EPA has maintained revised Senior Executive Service standards that not only focus on preventing discrimination in hiring activities and promoting merit systems principles, but also require senior leaders to be personally involved in leading and implementing EEO and civil rights initiatives consistent with applicable laws. In addition, at the end of every performance cycle, the Director of OCR, Performance Review Board members, and Executive Review Board members evaluate management self-assessments to ensure that the respective rating is an appropriate reflection of the accomplishments listed.

f. No FEAR Act Training Plans (5 C.F.R. § 724.302 (a)(9))

During FY 2014, Agency employees were required to complete the No Fear training hosted through Skillport. At the end of FY 2014, 99.7% of our employees had finished the training.

IV. ANALYSIS OF TRENDS, CAUSAL ANALYSIS AND PRACTICAL KNOWLEDGE GAINED THROUGH EXPERIENCE (5 C.F.R. § 724.302 (a)(7))

At the conclusion of FY 2014, the bases of alleged discrimination most often raised were: (1) retaliation; (2) race; and (3) age. The forty-nine (49) EEO complaints filed in EPA in FY 2014 contained twenty-eight (28) allegations of retaliation, twenty-three (23) allegations of race discrimination, and twenty-one (21) allegations of age discrimination. While retaliation remains the top basis alleged in complaints filed for the fifth year in a row, it should be noted that retaliation is among the top three (3) bases most frequently alleged in discrimination complaints throughout the entire Federal workforce.¹

The data show that the 0.29% of the Agency workforce of 15,905 employees that have filed complaints falls well below the last reported government-wide average of 0.51% of the workforce that did.² The Agency saw a twenty-one percent (21%) decrease in the number of complaints filed from FY 2013 to FY 2014, a five year low for the Agency. Through training, EPA has begun concentrated focused on improving its EEO Counselors' ability to resolve informal complaints through traditional counseling techniques. EPA's informal Alternative Dispute Resolution (ADR) rates and traditional counseling resolution rates differ by less than one (1) percentage point. In FY 2014, the participation rate was 37.29% which decreased by almost twenty-five percent (25%) from FY 2013 to FY 2014. This slight decrease may be attributed to the fact that fifty percent (50%) of employees declining ADR were frequent filers. In FY 2015, to improve the ADR participation rate, the Agency formed a workgroup to identify and address potential concerns that may impact the ADR participation.

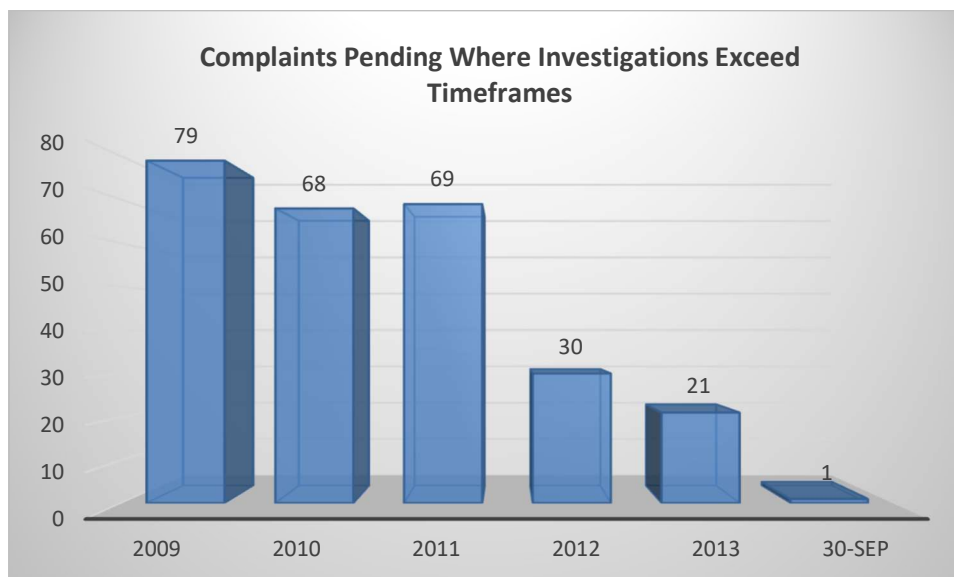
EPA continues to stress training as a method for ultimately reducing the number of Federal court judgments, awards, and formal complaints as managers and supervisors expand their knowledge of their responsibilities to promote equal employment opportunity.

EPA completed investigations for complaints pending during FY 2014 with an average processing time of 245 days, seventy-three (73) days sooner than the Agency FY 2013 average of 318 days. As discussed in the FY 2012 No Fear Report, and implemented effectively during FY 2013 and 2014, the Agency's revamped, streamlined investigative process has significantly improved the proportion of cases adjudicated timely.

During FY 2014, EPA's OCR procedurally dismissed ten (10) complaints. The average time to process a dismissal was 239 days, reflecting an increase from the FY 2013 processing average of 123 days pending prior to dismissal. Contributing factors may be related to the loss of an OCR attorney advisor. Additionally, staff attrition and the learning curve associated with directing new staff may have been contributing factors to these numbers.

¹ As reported in FY 2011 Report of the Federal Workforce. <http://www.eeoc.gov/federal/reports/fsp2012/index.cfm>.

² As reported in FY 2012 Report of the Federal Workforce. <http://www.eeoc.gov/federal/reports/fsp2012/index.cfm>.



V. ADJUSTMENTS TO BUDGET (5 C.F.R. § 724.302(a)(2)(ii))

As reported, during FY 2014, the Agency was required to reimburse the Judgment Fund in connection with two (2) settled cases. One settlement involved a payment of \$650,000, while the other settlement involved a total payment of \$670,000, \$170,000 of which was designated for the payment of attorney's fees.

VI. ACTIONS PLANNED OR TAKEN TO IMPROVE COMPLAINT OR CIVIL RIGHTS PROGRAMS (5 C.F.R. § 724.302 (a)(7)(iv))

EPA's Civil Rights program has taken several steps to strengthen EPA's commitment to civil rights, equal employment opportunity and diversity in the workplace:

- In FY 2014, OCR continued to make critical changes to its counseling program by selecting, training and retaining forty-four (44) professional collateral duty EEO Counselors. The EEO Training Committee continues to offer monthly training teleconferences to all EEO Counselors. The training has been presented by the EEO community, internal EPA partners and outside vendors. The timeliness and quality of EEO Counselors' Reports continues to show marked improvement. Counselors' reports are submitted, on average, in 11.7 days from the date the Notice of Right to File issued to aggrieved parties, which is less than the time required by EEOC Management Directive (MD) 110,³ and the utilization and success rate for ADR have all significantly improved.

³ 29 C.F.R. § 1614.105(c).requires counselors to submit counselors' reports within fifteen (15) days of being notified that a formal complaint has been filed.

- Promote the use of ADR to resolve Title VII complaints at the informal stages of the EEO complaint process. EPA will increase its efforts to market the program during informal phase of EEO counseling, via centralized EEO intake. OCR anticipates that using ADR in this way will help reduce costs associated with adjudicating formal complaints. OCR will continue using the shared neutrals programs in regions at no cost to EPA. OCR will market and promote ADR as part of overall Agency policy. OCR will continue to develop an ADR program to offer during the formal complaint process to ensure that ADR can be offered at each stage of the process in an effort to resolve any conflict at the lowest possible level.
- The Agency is currently developing a formal ADR program that will focus on increasing its offer rate in the formal complaint process to attain an anticipated increase in its resolution rate. Such program will continue to promote resolution at the lowest possible level by reengaging complainants and managers during a complaint's investigative stage and seek resolution prior to completing the investigation. The Agency will add language to formal acceptance and partial acceptance letters, advising complainants of the opportunity to utilize ADR in the formal stage.
- With regard to formal complaints, at the end of FY 14, OCR had two (2) cases pending investigation.. OCR will continue to monitor and evaluate its current Standard Operation Procedures for investigations and its Statement of Work with the United States Postal Service, its investigative contractor. OCR will make adjustments to promote the efficiency of the investigative process with the goal of completing investigations within in the 180 day requirement.
- To meet delineated goals, OCR will reevaluate its review and routing processes to determine the most efficient methods for obtaining legal sufficiency reviews while aggressively seeking to meet the regulatory requirement.
- Within the EPA, every member of the Senior Executive Service has had a performance standard related to equal employment opportunity and diversity in the workplace for several years. Senior managers must outline the specific related initiatives and actions they have personally undertaken and the results or effectiveness of those actions. At the end of every performance cycle, the Director of the Office of Civil Rights, Performance Review Board members, and Executive Review Board members review these self-assessments to verify that the respective rating for the EEO performance standard is a reflection of the accomplishments listed.
- EPA has taken steps to improve the timeliness of EEO investigations. Of particular note is the new requirement for contractors to deliver investigations on schedule or receive reduced payment and/or terminate the contract.

- All EPA investigators and counselors received the required annual training and/or refresher training in accordance with MD 110.
- EPA works to comply with orders from Administrative Judges in a timely manner, and this is a factor that is included in the performance standard of the Assistant Director, Office of Civil Rights, Employment Complaints Resolution Program (ECRP). In addition, EPA has established systems to ensure that the Agency initiates any monetary or other relief in a timely manner.
- OCR posts all No FEAR statistics on the OCR website on a quarterly basis.
- OCR management members make presentations during the monthly new employee orientations to ensure that all new employees are notified of the rights and remedies applicable to them under the employment discrimination and whistleblower protection laws.
- The Civil Rights Director and EEO Officials across the Agency participate in briefings, listening sessions, and brainstorming sessions to discuss EEO with managers, senior leaders and employees in order to identify and address any potential barriers and specific action items that can continue to improve the Agency's EEO and Civil Rights program.

APPENDIX 1

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act:

EPA (and below)

For 4th Quarter 2014 for period ending September 30, 2014

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2014Thru09-30
	2009	2010	2011	2012	2013	
Number of Complaints Filed	77	70	64	79	62	49
Number of Complainants	71	63	61	77	59	46
Repeat Filers	5	7	3	2	3	3
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2014Thru09-30
	2009	2010	2011	2012	2013	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race	33	39	25	40	22	23
Color	9	14	10	13	7	10
Religion	1	5	2	9	4	3
Reprisal	35	47	39	44	31	28
Sex	35	28	29	42	27	15
PDA	0	0	0	0	0	0
National Origin	6	14	10	13	12	10
Equal Pay Act	0	0	2	1	1	1
Age	37	28	21	37	22	22

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2014Thru09-30
	2009	2010	2011	2012	2013	
Disability	25	21	24	25	19	18
Genetics	0	0	0	0	0	0
Non-EEO	0	0	1	8	7	6

Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2014Thru09-30
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	2009	2010	2011	2012	2013	
Appointment/Hire	0	2	1	5	5	7
Assignment of Duties	6	18	12	12	5	5
Awards	2	6	2	5	0	3
Conversion to Full-time	0	0	0	2	0	0
Disciplinary Action						
Demotion	0	0	0	0	0	0
Reprimand	3	3	3	2	3	5
Suspension	2	2	3	2	6	4
Removal	1	0	1	2	0	3
Other	0	3	2	4	2	0
Duty Hours	0	1	3	4	2	0
Evaluation Appraisal	9	14	11	21	9	5
Examination/Test	0	0	1	0	0	0
Harassment						

Complaints by Issue		Comparative Data					2014Thru09-30
		Previous Fiscal Year Data					
<i>Note: Complaints can be filed alleging multiple bases.The sum of the bases may not equal total complaints filed.</i>		2009	2010	2011	2012	2013	
Non-Sexual		36	35	30	32	22	19
Sexual		0	1	1	1	2	1
Medical Examination		0	0	0	0	0	0
Pay (Including Overtime)		2	3	4	4	1	0
Promotion/Non-Selection		24	24	18	26	10	8
Reassignment							
Denied		0	4	3	3	0	2
Directed		2	6	1	5	2	2
Reasonable Accommodation		6	2	8	7	9	3
Reinstatement		0	0	0	0	0	0
Retirement		1	0	0	2	1	2
Termination		7	4	9	5	4	1
Terms/Conditions of Employment		8	16	10	19	12	11
Time and Attendance		7	6	6	18	7	2
Training		7	6	4	11	2	6
Other		0	0	0	7	2	0
Processing Time	Comparative Data						2014Thru09-30
	Previous Fiscal Year Data						
	2009	2010	2011	2012	2013		

Complaints by Issue		Comparative Data					
		Previous Fiscal Year Data					2014Thru09-30
<i>Note: Complaints can be filed alleging multiple bases.The sum of the bases may not equal total complaints filed.</i>		2009	2010	2011	2012	2013	
Complaints pending during fiscal year							
Average number of days in investigation	138.00	285.43	256.62	326.57	311.07	245.08	
Average number of days in final action	171.55	255.50	374.57	310.50	103.58	194.07	
Complaint pending during fiscal year where hearing was requested							
Average number of days in investigation	0	213.67	263.57	324.42	314.44	249.50	
Average number of days in final action	13.50	2.75	11.75	197.64	28.73	25.07	
Complaint pending during fiscal year where hearing was not requested							
Average number of days in investigation	138.00	339.25	208.00	328.83	306.58	233.87	
Average number of days in final action	206.67	311.67	450.95	468.50	206.50	376.08	

Complaints Dismissed by Agency			Comparative Data											
			Previous Fiscal Year Data								2014Thru09-30			
			2009		2010		2011		2012				2013	
Total Complaints Dismissed by Agency			2		5		6		10		6		10	
Average days pending prior to dismissal			62		53		441		212		123		239	
Complaints Withdrawn by Complainants														
Total Complaints Withdrawn by Complainants			3		2		5		12		19		3	
Total Final Agency Actions Finding Discrimination			Comparative Data											
			Previous Fiscal Year Data								2014Thru09-30			
			2009		2010		2011		2012					2013
			#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings			0		0		1		0		0		1	
Without Hearing			0	0	0	0	0	0	0	0	0	0	0	0
With Hearing			0	0	0	0	1	100	0	0	0	0	1	100
Findings of Discrimination Rendered by Basis			Comparative Data											
			Previous Fiscal Year Data								2014Thru09-30			
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.			2009		2010		2011		2012					2013
			#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings			0		0		1		1		0		1	
Race			0	0	0	0	0	0	0	0	0	0	1	100
Color			0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
	2009		2010		2011		2012		2013			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	1	100	1	100	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	1	100
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	1	100
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		0		1		0		0		1	
Race	0	0	0	0	0	0	0	0	0	0	1	100
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	1	100	0	0	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	1	100
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
	2009		2010		2011		2012		2013			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Age	0	0	0	0	0	0	0	0	0	0	1	100
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		1		0		0	
Race	0	0	0	0	0	0	0	0	0	0	0	0
Color	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Reprisal	0	0	0	0	0	0	1	100	0	0	0	0
Sex	0	0	0	0	0	0	0	0	0	0	0	0
PDA	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Equal Pay Act	0	0	0	0	0	0	0	0	0	0	0	0
Age	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Genetics	0	0	0	0	0	0	0	0	0	0	0	0
Non-EEO	0	0	0	0	0	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data											

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
	2009		2010		2011		2012		2013		2014Thru09-30	
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		1		1		0		1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	1	100
Assignment of Duties	0	0	0	0	1	100	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	1	100	1	100	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
	2009		2010		2011		2012		2013			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings After Hearing	0		0		1		0		0		1	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	1	100
Assignment of Duties	0	0	0	0	1	100	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	1	100	0	0	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
	2009		2010		2011		2012		2013			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0
Findings Without Hearing	0		0		0		1		0		0	
Appointment/Hire	0	0	0	0	0	0	0	0	0	0	0	0
Assignment of Duties	0	0	0	0	0	0	0	0	0	0	0	0
Awards	0	0	0	0	0	0	0	0	0	0	0	0
Conversion to Full-time	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion	0	0	0	0	0	0	0	0	0	0	0	0
Reprimand	0	0	0	0	0	0	0	0	0	0	0	0
Suspension	0	0	0	0	0	0	0	0	0	0	0	0
Removal	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
	2009		2010		2011		2012		2013			
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	#	%	#	%	#	%	#	%	#	%	#	%
Duty Hours	0	0	0	0	0	0	0	0	0	0	0	0
Evaluation Appraisal	0	0	0	0	0	0	0	0	0	0	0	0
Examination/Test	0	0	0	0	0	0	0	0	0	0	0	0
Harassment												
Non-Sexual	0	0	0	0	0	0	1	100	0	0	0	0
Sexual	0	0	0	0	0	0	0	0	0	0	0	0
Medical Examination	0	0	0	0	0	0	0	0	0	0	0	0
Pay (Including Overtime)	0	0	0	0	0	0	0	0	0	0	0	0
Promotion/Non-Selection	0	0	0	0	0	0	0	0	0	0	0	0
Reassignment												
Denied	0	0	0	0	0	0	0	0	0	0	0	0
Directed	0	0	0	0	0	0	0	0	0	0	0	0
Reasonable Accommodation	0	0	0	0	0	0	0	0	0	0	0	0
Reinstatement	0	0	0	0	0	0	0	0	0	0	0	0
Retirement	0	0	0	0	0	0	0	0	0	0	0	0
Termination	0	0	0	0	0	0	0	0	0	0	0	0
Terms/Conditions of Employment	0	0	0	0	0	0	0	0	0	0	0	0
Time and Attendance	0	0	0	0	0	0	0	0	0	0	0	0
Training	0	0	0	0	0	0	0	0	0	0	0	0

Findings of Discrimination Rendered by Basis	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	2009		2010		2011		2012		2013			
	#	%	#	%	#	%	#	%	#	%	#	%
Other - User Defined	0	0	0	0	0	0	0	0	0	0	0	0

Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
	2009		2010		2011		2012		2013			
Total complaints from previous Fiscal Years	55		52		59		57		85		85	
Total Complainants	49		47		47		51		78		81	

Number complaints pending												
Investigation	47		39		50		19		10		2	
ROI issued, pending Complainant's action	0		0		0		3		3		0	
Hearing	31		25		33		36		56		59	
Final Agency Action	44		37		19		12		22		20	
Appeal with EEOC Office of Federal Operations	6		6		11		16		22		26	

Complaint Investigations	Comparative Data											
	Previous Fiscal Year Data										2014Thru09-30	
	2009		2010		2011		2012		2013			
Pending Complaints Where Investigations Exceed Required Time Frames	79		68		69		30		21		2	

APPENDIX 2



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC 15 2014

MEMORANDUM

SUBJECT: Anti-Harassment Policy Statement

FROM: Gina McCarthy

A handwritten signature in blue ink, appearing to read "Gina McCarthy", is written over the "FROM:" line.

TO: All Employees

I want to reaffirm the U.S. Environmental Protection Agency's commitment to prohibit harassment of any kind, as clearly stated in our agency's anti-harassment policy. Harassment is unlawful when it is directed at an individual because of a lawfully protected basis and is sufficiently severe or pervasive that it creates a hostile work environment or takes the form of a tangible employment action. It is EPA policy to ensure that appropriate measures are implemented to prevent harassment, either sexual or nonsexual, in the workplace and to correct harassing conduct before it becomes severe or pervasive. EPA policy also strictly prohibits any retaliation against an employee who reports a concern about workplace harassment or assists in any inquiry about such a report.

For the purposes of this policy, unlawful harassment is defined as any unwelcome verbal or physical conduct based on race; color; sex, including pregnancy and gender identity/expression; national origin; religion; age; prior protected Equal Employment Opportunity activity; protected genetic information; sexual orientation or status as a parent when:

- the behavior can reasonably be considered to adversely affect the work environment; or
- an employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Sexual harassment can be either a form of harassment based on a person's sex that need not involve conduct of a sexual nature or harassment involving any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made explicitly or implicitly a term or condition of an employee's job, pay or career;
- submission to or rejection of such conduct by an employee is used as a basis for career or employment decisions affecting that employee; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment need not involve members of the opposite sex and can be perpetrated by and against members of either sex.

Examples of workplace harassment include:

- Oral or written communications that contain offensive name calling, jokes, slurs, negative stereotyping, hostility or threats. This includes comments or jokes that are distasteful or targeted at individuals or members of the lawfully protected bases set forth above.
- Nonverbal conduct, such as staring, leering and giving inappropriate gifts.
- Physical conduct, such as assault or unwanted touching.
- Visual images, such as derogatory or offensive pictures, cartoons or drawings. Such prohibited images include those in hard copy or electronic form.

The EPA does not permit harassment by or against anyone in the workplace. This includes any employee, applicant for EPA employment, grantee, contractor, Senior Environmental Employment enrollee or Federal Advisory Committee Act member. Workplace harassment should be reported immediately by the affected person to a first-line supervisor, a higher-level supervisor or manager in her or his chain of command, the Office of Inspector General or Labor and Employee Relations staff, as appropriate. Supervisors, in consultation with their human resources or legal offices, must conduct prompt, thorough and impartial inquiries.

If necessary and to the extent possible, measures must be taken to safeguard the anonymity of employees who file complaints. If management, in consultation with legal counsel, determines that harassment has occurred, it must be corrected as soon as possible. Harassing conduct by EPA employees need not rise to the level of unlawful harassment for it to constitute misconduct subject to corrective or disciplinary action.

In addition, EPA employees or applicants for employment may also use the complaint process established by the U.S. Equal Employment Opportunity Commission to file a complaint of harassment based on race, color, sex, religion, national origin, age, disability, prior protected EEO activity and protected genetic information for individual redress. To invoke that process, EPA employees and applicants must contact an EEO counselor within 45 days of an alleged incident of harassment. Reporting harassment to a supervisor in accordance with the previous paragraph does not satisfy this requirement and does not invoke the EEOC's process. EPA employees or applicants for employment may also report harassment based on sexual orientation and status as a parent to the EPA Office of Civil Rights.

Should you have any questions or need additional information about this policy, please contact the EPA Office of Human Resources at (202) 564-4646 or the EPA Office of Civil Rights at (202) 564-7272. Additional resources are available by visiting intranet.epa.gov/civilrights/lawsandstatus.htm.

APPENDIX 3



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

DEC - 3 2014

MEMORANDUM

SUBJECT: 2014 Equal Employment Opportunity Policy Statement

FROM: Gina McCarthy

A handwritten signature in blue ink, appearing to read "Gina McCarthy", is written over the printed name.

TO: All Employees

I am proud to reaffirm the U.S. Environmental Protection Agency's commitment to equal employment opportunity in the workplace. Fostering a diverse and inclusive work environment through equal employment is essential to our work and our service to the American people.

The EPA cannot and will not tolerate discrimination based on race; color; religion; sex, including pregnancy, sex stereotyping, gender identity or gender expression; national origin; sexual orientation; physical or mental disability; age; protected genetic information; status as a parent; marital status; political affiliation; or retaliation based on previous EEO activity. In addition, the EPA will not tolerate any type of harassment – either sexual or nonsexual – of any employee or applicant for employment. Employment decisions, including those related to hiring, training or awards, must be made in accordance with the merit-system principles in 5 U.S.C. § 2301.

I expect our management team to continue to provide first-class leadership in support of equal-employment opportunities. I ask that EPA managers and employees take responsibility for treating each other with dignity and respect, reporting discriminatory conduct and preventing all types of discrimination, including harassment.

The EPA promotes the use of alternative-dispute-resolution methods to resolve workplace disputes or EEO complaints. Managers are reminded that their participation in agency-approved alternative-dispute-resolution efforts to resolve employee EEO complaints is required, absent extraordinary circumstances as determined by the Office of Civil Rights' director or designee.

Any employee, manager or applicant for employment who believes he or she has been subjected to discrimination has a right to seek redress within 45 calendar days of the alleged discriminatory event by contacting the EPA's Office of Civil Rights Employment Complaints Resolution staff at (202) 564-7272 or an EEO officer at the regional or laboratory level. The agency will review any finding of discrimination and, when necessary, take appropriate disciplinary or corrective action.

A professional, productive and inclusive workplace is essential to the EPA's mission to protect human health and the environment. Unlawful discrimination in the workplace, including retaliation and harassment, undermines the achievement of our agency's mission. I appreciate your shared commitment to equal opportunity at the EPA and look forward to continuing our work together.